



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 13, 2009

The Honorable Judith T. Spang, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 102 relative to the rivers management programs and the rivers coordinator

Dear Chairman Spang:

Thank you for the opportunity to comment on HB 102, which establishes a rivers management and protection fund, amends the definition for channel alterations for natural rivers, and clarifies certain provisions of the rivers management and protection program. The Department of Environmental Services (DES) generally supports HB 102, which was initiated by the Rivers Management Advisory Committee (RMAC) to clarify and improve RSA 483, Rivers Management and Protection Program. We have several minor recommendations to make the language more clear or consistent with other state laws.

HB 102 makes a number of improvements to RSA 483. For example, in Paragraph 1, the Statement of Policy for RSA 483 is enhanced by adding "ecologic" assets as a benefit of rivers and "hydropower" as a potential outstanding river characteristic. Paragraph 1 also provides clear priority for attainment of state water quality standards. Paragraph 4 includes a number of proposed modifications to the RMAC membership criteria and Paragraph 5 proposes to add the Commissioner of the Department of Safety or designee to the RMAC. And, Paragraph 7 expands the channel alterations that could be approved by DES in natural rivers to include "*permanent alterations that restore the channel's geomorphic characteristics to its more natural condition.*" This enables approval of channel alterations that make river channels more natural.

In Paragraph 11, HB 102 proposes to establish a new Rivers Management and Protection Fund, as a nonlapsing and continually appropriated account, to provide a dedicated account. Monies received by DES to support the Rivers Management and Protection Program would be deposited in this account for use by the program through approved budgets. We support this proposed approach with minor modifications for consistency with other statutes. Specifically, we recommend that the authority to expend money (Paragraph 11, proposed RSA 483:13, III) be assigned directly to the Commissioner rather than to the Rivers Coordinator. Also, in Paragraph 11, proposed RSA 483:13, IV, we recommend that responsibility to provide the biennial report to the legislature be assigned more generally to the Commissioner or the Department rather than to a specific staff member (that is, the Rivers Coordinator). Suggested language for your consideration is provided below:

III. The commissioner may expend any funds deposited in the rivers management and protection fund for the purposes of this chapter, and such funds are hereby continually appropriated.

IV. The commissioner (or department) shall submit an annual report by October 1 beginning with fiscal year 2010, to the chairperson of the house resources, recreation and development committee, and the chairperson of the senate energy, environment and economic development committee, summarizing all receipts and disbursements of the rivers management and protection fund.

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including a description of all projects or activities undertaken. Each report shall be in such detail with sufficient information to be fully understood by the general court and the public. After submission to the general court, the report shall be available to the public.

The reporting language proposed above is similar to language requiring similar reporting in RSA 482-A for the wetlands program. Reporting could also be more generally to the general court as originally proposed in the bill rather than the assigned committees.

Finally, in Paragraph 12, Disposition of State Property, we recommend that the phrase "*and shall be consistent with the long-range river management plan*" be deleted to make the language of the proposed Paragraphs I and II consistent and to clearly focus on the requirements for the review and recommendation of the advisory committee prior to disposal of state-owned property.

In summary, we believe that the changes proposed by HB 102 with our recommended amendments will provide sound improvements to the Rivers Management and Protection Program.

Thank you again for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Steve Couture at 271-8801, if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack
Commissioner

cc: Representative Mike L. Kappler
Senator Martha Fuller Clark